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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,598	10/17/2003	Yu Zheng	PAT-1357-CON	2273

7590

07/24/2006

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Tustin, CA 92782

EXAMINER

YIP, WINNIE S

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 07/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/688,598

Applicant(s)

ZHENG, YU

Examiner

Winnie Yip

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-20 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-20 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Part II DETAILED ACTION

This office action is in response to applicant's amendment filed on June 5, 2006 for a Request Continued Examination (RCE) of earlier application.

Priority

1. This application is claiming the benefit of prior-filed nonprovisional application 09/717,620 which is a continuation-in-part of the earlier prior-filed non-provisional application 09/633,947 35 U.S.C. 120 and 37 CFR 1.78 and added and claimed additional disclosure not presented in the prior applications. Therefore, the effective date of benefit this application with the same additional disclosure will be an earlier filing date, November 21, 2000, of prior-filed non--provisional application 09/633,947.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

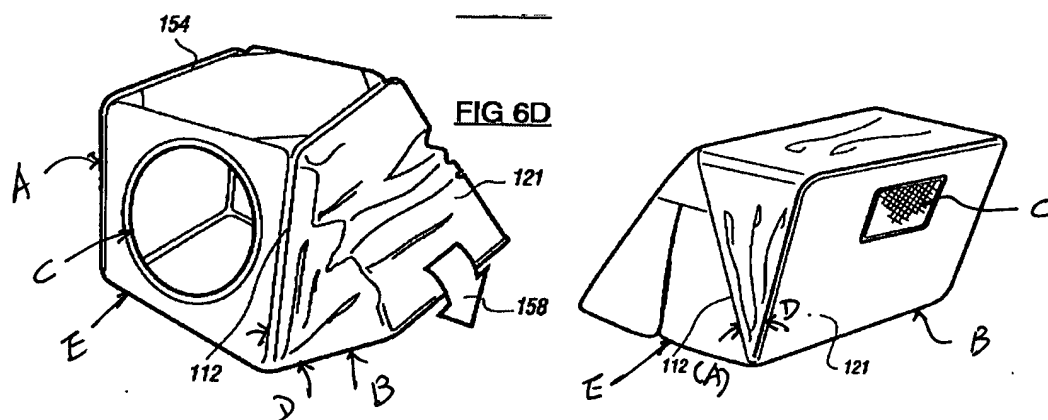
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 17-20 are rejected under 35 U.S.C. 102(a) as being anticipated by Stewart (UK Patent No. 2,342,365).

Stewart shows and teaches a collapsible structure (see Fig. 7B) comprising a first vertical panel (A) and a second panel (B), wherein each panel includes a loop of foldable frame member (6, 8 or 130, 132), respectively, having a folded and unfolded orientation, a fabric material covering the frame member to form a flat panel when the frame member is in the unfolded

Art Unit: 3636

orientation, each panel being collapsed to a small sized by twisting and folding the frame member, each panel having an upper side and a bottom side, the two panels being connected and maintained each other at an angle (D) by suitable hinge means at the upper or bottom sides of the two panels such as by a non-planar sheet material, the bottom sides of the two panels being capable to rest and contact with a horizontal support surface (i.e., the ground), an opening (C) providing an amusement feature on the fabric of the vertical panel, and a base (E) providing a support panel coupling the bottom of two panels in a space separately and supporting the panels in an erected position.



4. Claims 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Zheng (US Patent No. 5,941,265).

Zheng '265 shows and teaches a collapsible structure (20) (see Fig. 1A) adapted to be used as a sunshield, comprising: at least a first panel (22) and a second panel (24), each panel having a loop of foldable frame member (24, 20) having a folded and unfolded orientation respectively, a fabric material (42, 40) covering the frame member to form a flat panel respectively when the frame member is in the unfolded orientation, each panel being collapsed to a small sized by twisting and folding the frame member (see Figs 5A-5F), each panel having an

Art Unit: 3636

upper side (34, 30) and a bottom side (36, 32) respectively, the bottom sides (36, 32) of the two panels being adapted to be rested and contacted with a horizontal surface, wherein the first panel (24) forms a first vertical panel positioned perpendicular to the horizontal surface, the second panel (22) forms a second angled panel having a side portion being hingedly coupled to the fabric of the first vertical panel (24) by stitching at an angle (A) with respect to the first vertical panel, and the second angled panel (22) is also positioned at an angle (a right angle, 90 degrees) with respect to the horizontal surface when the structure is in a fully erected position, and each panel includes section cups (56) providing an amusement mount on the fabric of the respective panel.

Regard to claim 19, Zheng '265 teaches the collapsible structure (see Figs. 6 and 7), further comprising a third panel (106a) providing a support panel having a foldable frame covering by a fabric and having a side portion coupled to the first vertical panel (the center panel) for supporting the structure in an erected position.

Regard to claim 20, Zheng teaches the collapsible structure may include section cups (56) providing an amusement mounted on the fabric of one of the panel such as the vertical panel (24) as claimed invention.

5. Claims 17-20, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Zheng (US Patent No. 5,816,954).

Zheng '954 shows and teaches a collapsible structure (see Fig. 4) comprising: at least a first vertical panel (92) and a second panel (94 or 96), each panel having a loop of foldable frame member (32) having a folded and unfolded orientation respectively, a sheet of fabric material

Art Unit: 3636

(34) covering the frame member to form a flat panel respectively when the frame member is in the unfolded orientation, each panel being collapsed to a small sized by twisting and folding the frame member (see Figs 3A-3D), wherein the first panel (92) forms a first vertical panel positioned perpendicular to the horizontal surface, the second panel (94 or 96) forms a second angled panel having a side portion being hingedly coupled to the fabric of the first vertical panel (96) by stitching at an angle (a right angle, 90 degrees) with respect to the first vertical panel, and the second angled panel (94 or 96) is also positioned at an angle (a right angle, 90 degrees) with respect to the horizontal surface when the structure is in a fully erected position, both panels (92, 94 or 96) have a bottom side capably contacting the horizontal surface when the structure is deployed on the horizontal surface, the first and second panels have different sizes, and the first vertical panel including an amusement (120) mount on the fabric material of the panel.

Regard to claim 19, Zheng teaches the collapsible structure further comprising a third panel (98) providing a support panel having a foldable frame covering by a fabric material and having a side portion coupled to the first vertical panel and the angled panel for supporting the structure in an erected position.

Claim Rejections - 35 USC § 103

6. Claims 17-20, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent No. 8-57164 in view of Dobberstein (US Patent No. 5,582,197).

The Japanese reference shows and teaches a collapsible structure comprising a first and second panels (2) each having a loop of foldable frame member (5) having a folded and unfolded orientation, a fabric material (6) covering the frame member to form a flat panel when the frame member is in the unfolded orientation, each frame member (5) of the panel being mounted along

Art Unit: 3636

a sleeve (6a) of along the fabric material, each panel (2) being collapsed to a small sized by twisting and folding the frame member (see Fig. 5), the two panels having top sides being hingedly coupled together along the sleeve (6a) such that the top side one of the panel is considered hingedly and angularly coupled to the fabric (the sleeve) of another panel, the two panels having a bottom being adapted to rest and contact with a horizontal surface, an opening (7) providing an amusement feature on the fabric of either one of the panel, and a base (3) providing a support panel coupling the bottom of two panels to maintain the panels being angularly coupled together in an predetermined angle when the structure is deployed on the horizontal surface. Japanese patent further discloses the angle between the two panels would be adjusted with respect to the size of the base panel (7) in a fully erected position. Although Japanese does not define two panels having different size and one of the two panel being positioned vertically to the horizontal surface when the structure is deployed on the horizontal surface, Dobberstein teaches a collapsible structure (2) comprising a first rear panel and a second front panel (12), each panel having a sheet of fabric material having a top side and a bottom side and being supported by a frame member (12, 17 or 56), wherein the first rear panel (4) is disposed substantially vertical with respect to a horizontal surface to define a flat vertical panel when the structure is in a fully erected position, and the second front panel (4) has the top sides being angularly coupled to the top side of the first vertical panel to define an angled panel, the second panel (6) being hingedly and angularly coupled with vertical first panel at the top sides of the panels, the two panels having the bottom sides being separately coupled together by a support panel (10) connected therebetween, the first panel having a size larger than the second panel such that the first panel and the second panel the bottom sides being capably rested on the

Art Unit: 3636

horizontal support surface while the top side of the second panel being angularly coupled to the vertical first panel in a suitable angle in an fully erected position. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the collapsible structure of Japanese Patent two panels with different sizes and with one panel being vertically positioned on a horizontal surface and another panel being angularly coupled to the vertical panel at an angle with respect to the vertical panel as taught by Dobberstein for providing the collapsible structure with an interior area having sufficiently height and width in the deployed position as desirable to accommodate various requirement of various applications. Since applicant has not disclosed that a collapsible structure having two panels angularly coupled together with one panel being disposed vertically provides an advantage, it has been common practice to one skill in the art to perform equal well of the claimed invention having two panels adjustably coupled together with various angled configurations since there is not further support has been claimed.

Response to Arguments

7. Applicant's arguments filed June 5, 2006, with respect to the rejection(s) of claims 17-20, and 22 under 35U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made as set forth above discussion.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Polite '308, Hailer et al.'657, and Fodor et al. '744 (see Fig. 9) teach various structures comprising an angled panel coupled to a vertical panel at an acute angle with respect

Art Unit: 3636

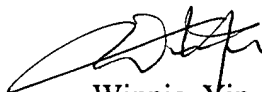
to the vertical panel and with respect to a horizontal surface, and the panels having different sizes as similar to the claimed invention .

Inquiry Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Winnie Yip whose telephone number is 571-272-6870. The examiner can normally be reached on M-F (9:30-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Winnie Yip
Primary Examiner
Art Unit 3636

way
June 22, 2006